

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES - INITIAL APPEARANCE, ARRAIGNMENT,
BOND**

Case No.: 7:23CR47

Date: 11/6/2023

Defendants:

Damon Tyler Mills(Custody)

Counsel:

Benjamin Schiffelbein, FPD

| | | | |
|----------|-----------------|-------------------------------|-----------------------|
| PRESENT: | JUDGE: | Kailani Memmer | TIME IN COURT: 33 min |
| | Deputy Clerk: | K. Saville | |
| | Court Reporter: | K. Saville, FTR | |
| | U. S. Attorney: | Jason Scheff | |
| | USPO: | Tiffany Schara, Alison Spence | |

INITIAL APPEARANCE AND BOND HEARING

- ☒ Initial Appearance. Defendant(s) advised of charges, rights and nature of proceedings.
- ☒ Defendant requests appointment of counsel. CJA 23 completed; Oral order appointing Benjamin Schiffelbein, FPD
- ☒ Bond hearing held. Record proceedings, witnesses, etc
- ☒ Government does not oppose bond.
- ☒ Bond set at Amount, 20k, unsecured, third party custodian.

In addition to the standard conditions of release, the following special conditions of release are imposed:

- ☒ The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.
- ☒ The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.
- ☒ The defendant shall abstain from the excessive use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- ☒ The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- ☒ The defendant shall submit to random drug and or alcohol testing as directed by the probation officer.
- ☒ The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.
- ☒ The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release.
- ☒ The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.
- ☒ The defendant shall not associate with any known users/possessors of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used and/or distributed, unless approved by his/her supervising officer in cooperation with law enforcement officers.

- ☒ The defendant shall be placed on electronic monitoring with radio frequency and abide by curfew set.
- ☒ The defendant shall live with his mother Donna Scott, in Roanoke County.
- ☒ The defendant shall allow the probation officer open communication with any treatment agencies or health care providers for the purpose of monitoring the defendant's compliance with all treatment requirements.
- ☒ Defendant advised of penalties and sanctions for failure to appear and/or violating conditions of release.

ARRAIGNMENT

- ☒ Defendant(s) waives reading of Indictment/Information.
- ☒ Defendant(s) is arraigned and specifically advised of rights (Rule 11 F.R.C.P).

DEFENDANT(S) PLEADS:

| DEF. # | GUILTY | NOT GUILTY | NOLO | REMARKS |
|--------|--------|------------|------|---------|
| 1 | | 1,2,3,4,5 | | |

- ☒ Jury or Court trial set for Trial date. Jan 9-10, 2024
- ☒ Defendant(s) released on bond.

Additional Information:

2:00

Parties present and represented by counsel.

Court enters oral and written orders regarding the Due Process Protection Act.

Defendant request court appointed counsel; Mr. Schiffelbein appointed.

Gov does not seek detention but will be requesting home monitoring.

Conditions from govt, request location monitoring be added, defendant was not completely honest with pretrial, regarding living in Roanoke the last 10 years, he actually lived in FL some of the past 10 years. Also, he told LEO had a traumatic brain injury due to accident but did not tell pretrial. Not likely a flight risk but not truthful and forthcoming

Probation advised he did mention he had lived in Florida and that it was a typo on probations account.

Defendants counsel discusses the medical/serious injuries/ issues that Mr. Mills that causes issues, defendants' mother is here and lives with her, mother is willing to be 3rd party custodian.

Donna Scott takes the stand as witness sworn by Mr. Schiffelbein

Live with mother Morning Dove Rd, in rke co, report to pretrial.

Curfew and radio frequency to be utilized, 10pm to 6am will be curfew hours.

2:33p